

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 2163 - SB 2124**

February 21, 2012

**SUMMARY OF BILL:** Creates a Class A misdemeanor for a parent to fail to report a missing child to the appropriate authorities within 48 hours after knowing, learning, or believing the child to be missing. If the child sustains serious bodily injury or death as a result of the failure, the offense is a Class C felony.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$22,000/Incarceration\***

Assumptions:

- According to the information provided by the Tennessee Bureau of Investigation (TBI), there has been an average of 8,318 reports of missing children in each of the last four years. As of July 31, 2011, there were 105 active missing children cases.
- Two Class A misdemeanor charges currently exist that are similar to the proposed bill. These are failure to report child abuse, Tenn. Code Ann. § 37-1-412, and failure to report sexual abuse, Tenn. Code Ann. § 37-1-615
- State court convictions are 10 percent of the total convictions statewide. According to the Administrative Office of the Courts (AOC), there has been an average of two convictions in each of the last four years for failure to report child abuse, and an average of three convictions in each of the last five years for failure to report sexual abuse. Total convictions, including general sessions courts, are estimated to be an average of 20 convictions for failure to report child abuse and 30 convictions for failure to report sexual abuse each year.
- The Department of Correction (DOC) estimates one offender every three years being convicted of the Class C felony as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 over the next 10 years. No significant increase in incarceration costs in this period will exist.
- According to the DOC, the average operating cost per offender per year for calendar year 2012 is \$61.36. The average post-conviction time served for a Class C felony is 2.98 years (1,088.45 days) at a cost of \$66,787.29 (\$61.36 x 1,088.45 days).
- The annualized cost per conviction is \$22,039.81 (0.33 annual number of convictions x \$66,787.29).

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- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any impact on caseloads for the state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/lsc